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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,376	05/25/2001	Tadahiro Ohmi	107176-00007	1605

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EXAMINER

ZERVIGON, RUDY

ART UNIT

PAPER NUMBER

1763

DATE MAILED: 09/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/864,376

Applicant(s)

OHMI ET AL.

Examiner

Rudy Zervigon

Art Unit

1763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 2,4 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "D" must be shown or the feature canceled from the claim. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 2, 4, and 8 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claims, or amend the claims to place the claims in proper dependent form, or rewrite the claims in independent form. Dependent claims 2 and 4 claim a broader range than their respective independents. Dependent claim 8 is also objected to if one of the "D" is the "d" of prior claims.

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Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Independent claims 1 and 7 require a range for the distance "D" yet does not provide a dimension for the distances. For example, mm, cm, m, etc... Although "a wavelength of the microwave being a distance unit" is mentioned in the claims this same "unit" may be measured with different distance units as described above. Page 12 teaches an example of the dimensions for d1 and d2 in the mm range.

3. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 8 does not specify what the distance "d" dimensions, where "D" of independent claim 7 is "a distance between the microwave radiating surface and a surface of the dielectric body...".

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 7, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Sato et al (USPat. 5,861,601). Sato teaches a plasma processing apparatus (Figure 2) including:

- i. A processing chamber (3, Figure 2)
- ii. A microwave (6, Figure 2) radiating antenna (41, Figure 2; column 9, lines 6-30)
- iii. A dielectric body (4, Figure 2; column 4, lines 25-35)
- iv. A distance "D" between the microwave radiating antenna surface (41, Figure 2; column 9, lines 6-30) and a surface of the dielectric body is shown by Sato et al in Figure 2

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al (USPat. 5,861,601), as applied to claims 1 and 2 above. Sato et al teaches a dielectric plate as discussed above but does not discuss a specific thickness of the dielectric plate.

It would have been obvious to one of ordinary skill in the art at the time the invention was made for Sato to consider the thickness of the dielectric plate to fall within the specified range as claimed.

Motivation for Sato to consider the thickness of the dielectric plate to fall within the specified range as claimed is drawn to the necessary space "between the slot antenna and the quartz window 4 through which the microwaves pass so that the microwaves emitted from the slot antenna have room to expand" (column 9, lines 6-30).

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al (USPat. 5,861,601), as applied to claims 1 and 2 above, and further in view of Otsubo et al (USPat. 4,985,109). Sato does not teach a slot antenna where a part of the number of slots is closed. Otsubo teaches a slot antenna (Figure 2) in a microwave plasma reactor (Figure 1) having a number of slots (5a) formed and distributed in the microwave radiating surface where a part of the number of slots is closed (column 7, lines 3-15).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made for Sato to implement the Otsubo slot antenna having a number of slots formed and distributed in the microwave radiating surface where a part of the number of slots is closed.

Motivation for Sato to implement the Otsubo slot antenna having a number of slots formed and distributed in the microwave radiating surface where a part of the number of slots is closed is discussed by Otsubo as being directed to "...the plasma density on the wafer becomes uniform in comparison to the case that the microwaves are radiated also from the slot at the center." (column 7, lines 10-15).

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Allowable Subject Matter

6. Claim 6 would be allowable if rewritten to overcome the rejection under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPat. 6,172,321; 6,357,385; 4,676,194; 5,342,472; 6,376,796; D. Korzec et al, "Characterization of a slot antenna microwave plasma source for hydrogen plasma cleaning", *J.Vac.Sci.Technol.A* 13(4), Jul/Aug 1995, pp.2074-2085

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Rudy Zervigon whose telephone number is (703) 305-1351. The examiner can normally be reached on a Monday through Thursday schedule from 8am through 7pm. The official after final fax phone number for the 1763 art unit is (703) 872-9311. The official before final fax phone number for the 1763 art unit is (703) 872-9310. Any Inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Chemical and Materials Engineering art unit receptionist at (703) 308-0661. If the examiner can not be reached please contact the examiner's supervisor, Gregory L. Mills, at (703) 308-1633.


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